

NOCAR.007A



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Otsuki, et al. )  
 )  
App. No. : 10/785,446 )  
 )  
Filed : February 23, 2004 )  
 )  
For : METHOD OF TREATMENT OF )  
 DISEASE USING AN ADENOSINE )  
 A1 RECEPTOR ANTAGONIST )  
 )  
Examiner : Unassigned )

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**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION**  
**AND**  
**REVOCATION AND POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventors to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer**

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No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

NovaCardia, Inc.

Dated: June 24, 2004

By: Lauren Otsuki  
Lauren Otsuki

Title: Chief Operational Officer  
Address: 12230 El Camino Real  
Suite 300  
San Diego, California 92130

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**COPY  
DO NOT RECORD**

#### ASSIGNMENT

WHEREAS, We, Lauren Otsuki, a United States citizen, residing at 16749 Calle Hermosa, San Diego, California 92127; Howard C. Dittrich, a United States citizen, residing at 10485 Livewood Way, San Diego, California 92131; Kenneth J. Widder, a United States citizen, residing at P.O. Box 676250, Rancho Santa Fe, California 92067; Roland Blantz, a United States citizen, residing at 13050 Via Grimaldi, Del Mar, California 92014; and Scott Thomson, a United States citizen, residing at 17305 Iron Mountain Drive, Poway, California 92064; have invented certain new and useful improvements in a METHOD OF TREATMENT OF DISEASE USING AN ADENOSINE A1 RECEPTOR ANTAGONIST for which we have filed an application for Letters Patent in the United States, Application No. 10/785,446, Filed on February 23, 2004;

AND WHEREAS, NovaCardia, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 12230 El Camino Real, Suite 300, San Diego, CA 92130, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 22<sup>nd</sup> day of June, 2004

Lauren Otsuki  
Lauren Otsuki

STATE OF California }  
COUNTY OF San Diego } ss.

On June 22, 2004, before me, Frances Marie Senchak, personally appeared Lauren Otsuki personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Frances Marie Senchak  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 21 day of JUN, 2004

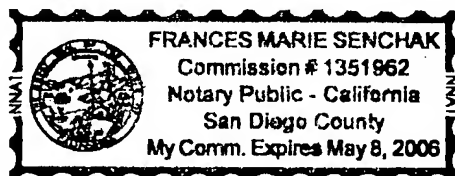
Howard C. Dittrich  
Howard C. Dittrich

STATE OF California }  
COUNTY OF San Diego } ss.

On June 21, 2004, before me, Frances Marie Senchak, personally appeared Howard C. Dittrich personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



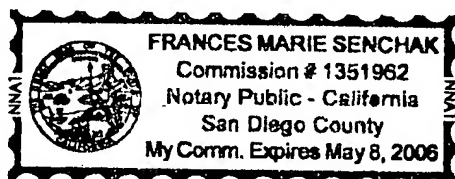
Frances Marie Senchak  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 24<sup>th</sup> day of June, 2004Kenneth J. Widder  
Kenneth J. WidderSTATE OF California }  
COUNTY OF San Diego } ss.

On June 24, 2004, before me, Frances Marie Senchak personally appeared Kenneth J. Widder personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Frances Marie Senchak  
Notary SignatureIN TESTIMONY WHEREOF, I hereunto set my hand and seal this 23<sup>rd</sup> day of June, 2004Roland Blantz  
Roland BlantzSTATE OF California }  
COUNTY OF San Diego } ss.

On June 23, 2004 before me, Frances Marie Senchak personally appeared Roland Blantz personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Frances Marie Senchak  
Notary Signature

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 23 day of June, 2004

Scott Thomson  
Scott Thomson

STATE OF California }  
COUNTY OF San Diego } ss.

On June 23, 2004, before me, Frances Marie Senchak, personally appeared Scott Thomson personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Frances Marie Senchak  
Notary Signature